

REMARKS

Claims 1-8 and 10 are pending in the subject application for purposes of the instant Office Action. Claim has been further amended, as shown. In view of these amendments to the claims, and the accompanying remarks, it is believed that the application is now in condition for allowance. Reconsideration is respectfully requested.

First, the claims have been rejected under 35 USC 112, second paragraph, in view of no positive antecedent basis for "the saw blade motor." Applicant submits that the recitation of saw blade "motor" has antecedent basis in the fore stated saw blade "drive means" (see claim 1, line 3). Accordingly, the recitation of "motor" has been amended to recite "drive means." Applicant appreciates the Examiner's thorough review of the previous amendment and helpful suggestion for correcting the oversight. Applicant believes that the lack of antecedent basis is now obviated and that the rejection is overcome. Reconsideration and withdrawal of the rejection under 35 USC 112, second paragraph is respectfully requested.

The pending claims also stand rejected under 35 USC 103(a) as being unpatentable over Mains (teaching a hydraulic circular saw device) in view of Fujikawa, US Pat. No. 4,356,871 (the '871 patent) (providing a charge accumulator within the hydraulic system to delay time of engagement of the applicable device). Applicant respectfully traverses this rejection in view of the failure of the cited references to teach or suggest the claimed invention. As now amended, the subject invention is directed to a circular saw device having a single hydraulic circuit system for operating the drive means and extension means, wherein that single hydraulic system includes a charge accumulator, i.e., a single charge accumulator. Clearly, the cited references do not teach or suggest such a system.

It is respectfully submitted that a person of ordinary skill in the art would not look to a drill device, as is described in the '871 patent, for applicability to a circular saw system. The problems addressed by the subject invention, i.e., the need to build up adequate saw blade speed to cut smoothly, and without bogging down the blade, are relatively unique in the logging industry and are unlikely to be thought of as being addressed by a drill system. Thus, applicant believes that the references are only combined in hindsight, and are not so applicable to one another as to support a proper obviousness rejection. The Office Action admits that the reference of Mains does not teach or describe any hydraulic system having a charge accumulator. Therefore, Mains cannot teach or suggest a delay mechanism which allows for the circular saw to reach a certain velocity before being engaged to cut the logs. Accordingly, the ordinarily skilled artisan would have no suggestion or motivation by reading the primary reference of Mains to even look to drilling devices for addressing the stated disadvantages.

Nevertheless, even assuming *arguendo* that the secondary reference (the '871 patent) is properly combined with Mains, applicant submits that such combination still fails to teach or suggest the invention now claimed in the subject application. The '871 patent describes a multiple pump hydraulic system -- each pump separately controlling a different aspect of the described drill device. For example, the '871 patent expressly includes striking hydraulic pump 1 to "provide a supply of pressurized hydraulic fluid to the striker 3" ('871 patent, at col. 3, lines 13-15); a separate driving hydraulic pump 4 to pressurize and drive the motor ('871 patent, at col. 3, lines 17-20); and a variable displacement type hydraulic pump 10 which drives the feed actuator ('871 patent, at col. 3, lines 30-35). By contrast, the subject invention, employs a single, external hydraulic pump and therefore can only employ a single accumulator in its hydraulic circuit system in communication with that pump. The reason this is clearly unique and unobvious is that the subject device is manufactured for use in conjunction with a log loader, equipped with a hydraulic grappling device for loading cut logs onto a log truck. The log loader employs a hydraulic pump to operate the grappling device and the subject invention is provided with a tri-tubular hookup which communicates directly with the hydraulic pump on the loader. Advantageously, the subject circular saw device operates using a single accumulator. This is vastly different than the device of the '871 patent, which is described as requiring more than one accumulator. Specifically, the drill device of the '871 patent describes at least three (3) accumulators: accumulator 24, which delays the buildup of pressure in the actuator 15 ('871 patent, at col. 4, lines 6-7); accumulator 38, which actuates valve 35 to *reverse* the direction of actuator 15 ('871 patent, at col. 4, lines 52-60); and accumulator 40, which delays pressure applied to conduit 20, in communication with the motor ('871 patent, at col. 4, line 65, and accompanying drawing).

There is no teaching or suggestion within the cited references, taken separately or combined, that a single hydraulic system, fitted to a single hydraulic pump, and employing a single hydraulic accumulator, can be arrived at to provide the unique and unobvious advantages of the subject invention. The subject invention employs the hydraulic circuit system to drive both the saw drive mechanism and the extension means working in concert to effect the desired result. In view of the absence of a teaching or suggestion in either of the cited references to provide a circular saw having a single accumulator hydraulic circuit system which operates both the saw drive mechanism and the extension means, applicant submits that the cited references would not have made obvious the subject invention as now claimed. Applicant therefore respectfully requests that the rejection of the claims under 35 USC 103(a) be reconsidered and withdrawn.

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In view of the above amendments and accompanying remarks, only allowable claims remain. Applicant respectfully requests that a Notice of Allowance be issued forthwith in the subject application.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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